IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3020 OF 2005

Dada @ Santosh Vitthal Dhindle ...Petitioner
Residing at Malthan, Taluka Daund,
District Pune

Versus
The State of Maharashtra ...Respondent

Smt.Anita Agarwal for the Petitioner.
Mr.R.Y.Mirza, A.P.P. for the State.

CORAM: **ABHAY S. OKA, J.**
DATE: 8**TH JUNE, 2005.**

P.C.:

1. The allegation against the applicant is of commission of the offences punishable under sections 376, 323, 504 and 506 of the Indian Penal Code and Section 3(1)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The Learned Counsel appearing for the applicant stated that the chargesheet has been filed after completion of investigation. My attention has been invited to allegations in the F.I.R. She submitted that the alleged incident has taken place in a broad

day light. She submitted that there is a civil dispute between the family of the applicant and family of the prosecutrix. She submitted that even according to the case of the prosecution, both the in-laws of the prosecutrix were around the place where the alleged incident has taken place.

3. The learned APP submitted that considering the gravity of allegations and offence alleged, the Learned Sessions Judge has rightly rejected the application, especially when the allegation is regarding the offence punishable under the said act of 1989.

4. I have considered the rival submissions. Investigation is admittedly completed and the chargesheet has been filed. It appears that the F.I.R. is filed on 17th December, 2004 of the offence committed on 15th December, 2004. The offence has allegedly taken place in a broad daylight at 4.30 p.m. There is no allegation that the applicant is a rich or an influential person and that he can tamper with the evidence of the prosecution and can attempt to influence the witnesses.

5. Considering the fact situation, in my view, a case is made out for grant of bail subject to the stringent conditions. Considering the fact that the prosecutrix is a resident of the same small village in which the applicant is residing, the applicant will have to be prevented from entering and staying in the village till the disposal of the trial.

6. Hence, I pass the following order:

ORDER

i. **The applicant shall be enlarged on bail in C.R.NO.160/2004 of Daund Police Station, Daund subject to applicant furnishing a Personal Bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with two local sureties in the like amount.**

ii. **The grant of bail will be subject to the condition that till the disposal of the trial, the applicant will not enter and will not stay in the Village – Malthan, Taluka- Daund, District Pune and the applicant will not make any attempt to influence or pressurise any prosecution witness.**

iii. The applicant will co-operate with the Learned Sessions Judge for the early disposal of the trial.

iv. In case the trial is delayed due to default on part of the applicant, the learned Trial Judge may make an entry in the roznama to that effect and the same can be a ground for the cancellation of the bail.

v. The application is disposed of in above terms.

vi. Parties to act on an authenticated copy of this order.

Judge.